

ZB# 00-02

Frank Borgia

25-5-34

Prelim.

Jan. 24, 2000.

Notice to Sentinal 24400.

Public Hearing:

Feb. 28th, 2000

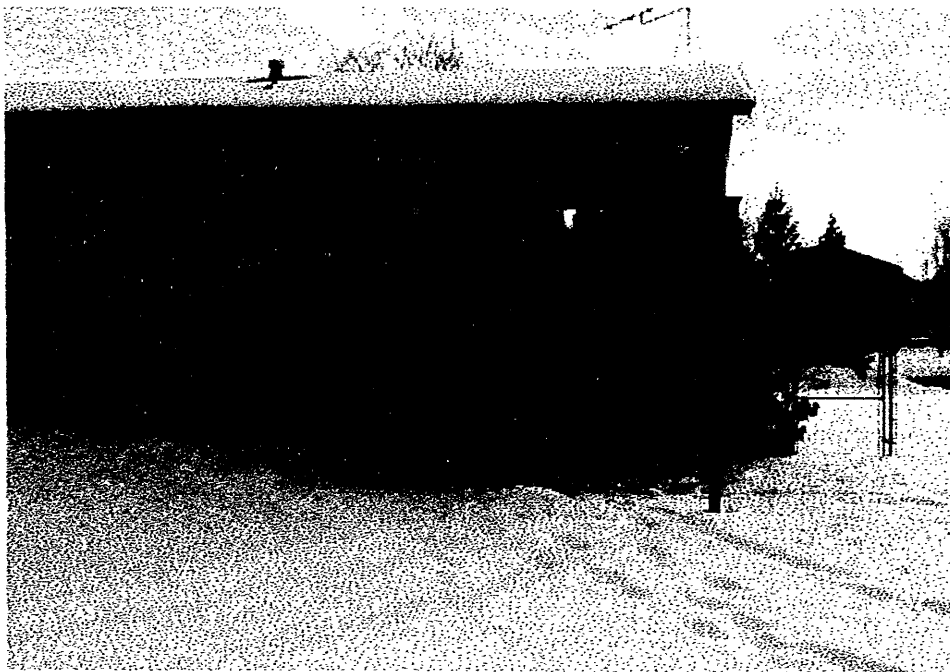
Approved

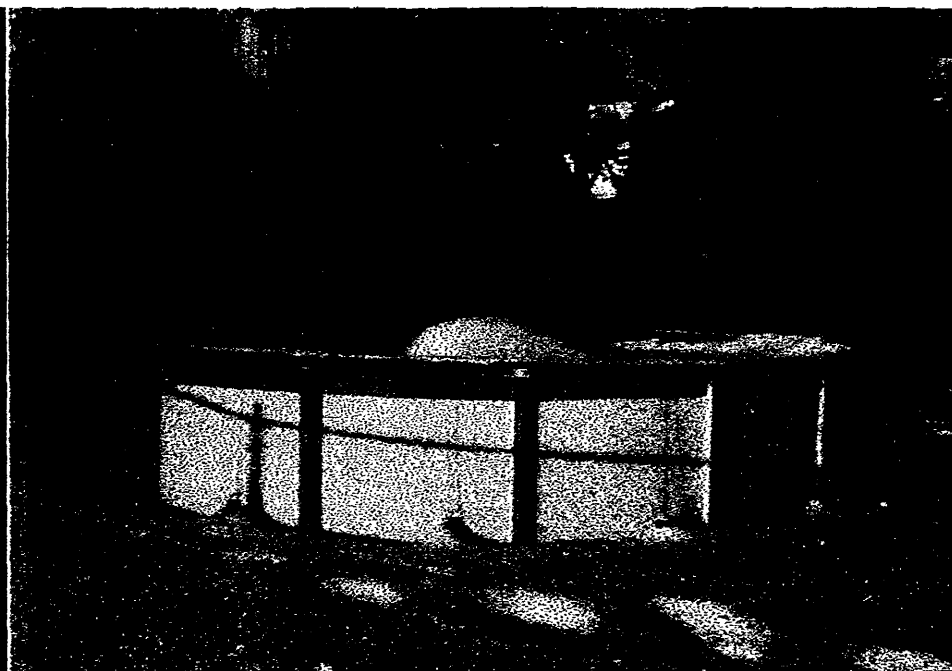
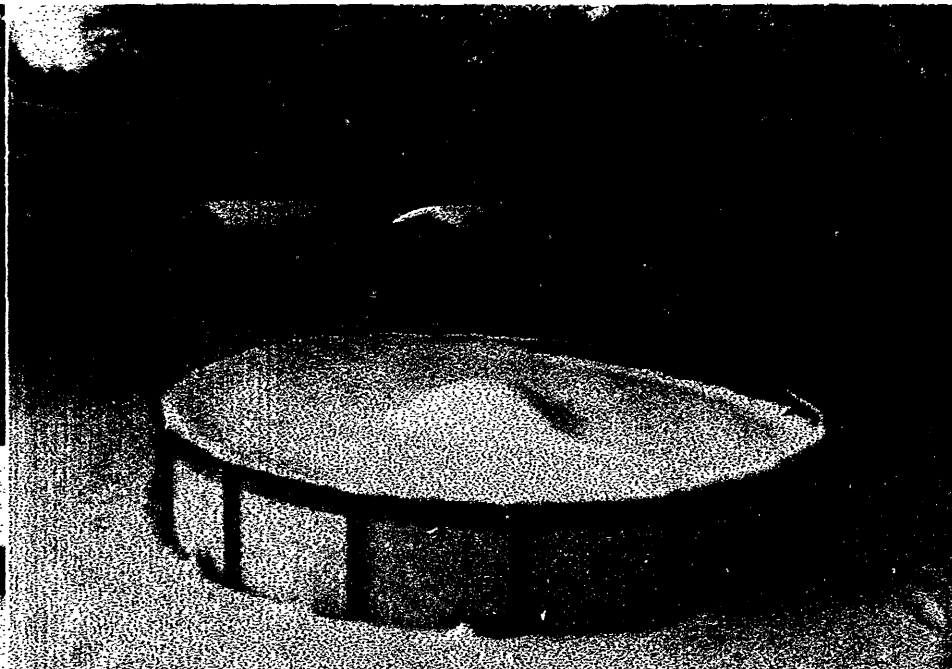
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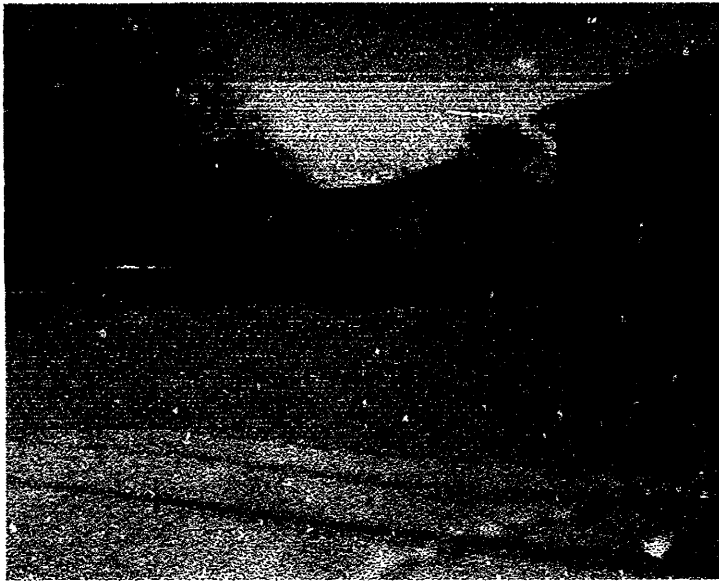
\$194.00

#00-02- Borgia, Frank

25-5-34. Area (Rev.)







APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Borga, Tank

FILE# 00-02

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

*Paid Ck # 1080
2/4/00*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*Paid
Ck # 1079*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 1/24/00-4 \$ 18.00

2ND PRELIMINARY- PER PAGE 2/28/00-4 \$ 18.00

3RD PRELIMINARY- PER PAGE \$

PUBLIC HEARING - PER PAGE \$

PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 1/24/00 \$ 35.00

2ND PRELIM. 2/28/00 \$ 35.00

3RD PRELIM. \$

PUBLIC HEARING \$

PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 106.00

LESS ESCROW DEPOSIT \$ 300.00

(ADDL. CHARGES DUE) \$

REFUND DUE TO APPLICANT. \$ 194.00

-----X
In the Matter of the Application of

FRANK BORGIA

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES**

#00-02.
-----X

WHEREAS, FRANK BORGIA, residing at 508 Balmoral Circle, New Windsor, New York 12553, have made application before the Zoning Board of Appeals for a 7 ft. rear yard variance for existing deck; 2 ft. 2 in. side yard and 3 ft. rear yard variance for existing pool; and 9 ft. rear yard and 8 ft. side yard variances for existing shed at above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 28th day of February, 2000 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared on behalf of this Application; and

WHEREAS, there no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to this Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The existing pool and shed are designed to promote water drainage and to not create any ponding or collection of water.

(c) The deck, pool and shed are not be constructed on top of any water or sewer easements.

(d) The deck, shed and pool are not constructed on top of any well or septic system.

(e) The pool and shed have been in existence since 1983.

(f) The deck was present when Applicant purchased the residence.

(g) The house is so situated that without the existing deck it would be difficult to access the back of the house.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted for the reasons listed above.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

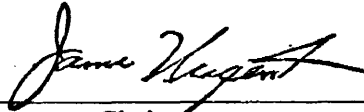
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 7 ft. rear yard variance for existing deck; 2 ft. 2 in. side yard and 3 ft. rear yard variances for pool; and 9 ft. rear yard and 8 ft. side yard variance for existing shed at the above residence, in an R-4 zone as sought by the Applicant in accordance with plans filed with the

Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 24, 2000.

A handwritten signature in cursive script, appearing to read "James Nugent", is written over a horizontal line.

Chairman

FRANK J. BORGIA
JACQUELINE BORGIA
PH 914-562-4307
508 BALMORAL CIRCLE
NEW WINDSOR, NY 12553

1080

10-4/220
BRANCH 419

DATE 2/4/00

PAY TO THE
ORDER OF

Town of New Windsor

\$ 50 ⁰⁰/₁₀₀

Fifty & no 100

DOLLARS ☒ Security features
included.
Details on back.

M&T Bank

Member FDIC
Hudson Valley Division
ShopRite Vails Gate Office

M&T Select

FOR Var. Fees # ^{2BA} 00-02

Jacqueline Borgia

⑆022000046⑆11000911078089⑆1080

© HARLAND

FRANK J. BORGIA
JACQUELINE BORGIA
PH 914-562-4307
508 BALMORAL CIRCLE
NEW WINDSOR, NY 12553

1079

10-4/220
BRANCH 419

DATE 2/4/00

PAY TO THE
ORDER OF

Town of New Windsor

\$ 300 ⁰⁰/₁₀₀

Three hundred & no 100

DOLLARS ☒ Security features
included.
Details on back.

M&T Bank

Member FDIC
Hudson Valley Division
ShopRite Vails Gate Office

M&T Select

FOR Var. Fees # ^{2BA} 00-02

Jacqueline Borgia

⑆022000046⑆11000911078089⑆1079

© HARLAND

Date March 10, 2000

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Frank J. Borgia DR.
508 Balmoral Circle, New Windsor, N.Y. 12553

[illegible]

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here

No.
Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19.....

the within claim was audited and allowed
for the sum of

\$

.....
Clerk

Date 3/3/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

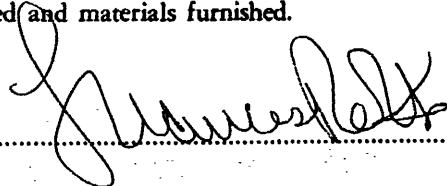
DATE			CLAIMED		ALLOWED	
		Zoning Board Mtg	75	00		
		MEL - 1				
		HZ Development - 3				
		Borgia - 4				
		Locke - 3				
		Petro Metals - 8				
		Omat - 8				
		Maurice - 13	180	00		
		<u>40</u>	<u>255</u>	<u>00</u>		

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day

of, 19.....

the within claim was audited and allowed

for the sum of

\$

Clerk

PUBLIC HEARINGS:

BORGIA, FRANK & JACQUELINE

Mr. Frank Borgia appeared before the board for this proposal.

MR. TORLEY: Request for (1) 7 ft. rear yard variance for existing deck; (2) 2 ft. 2 in. side yard and 3 ft. rear yard variances for pool; and (3) 9 ft. rear yard and 8 ft. side yard variance for existing shed at 508 Balmoral Circle in an R-4 zone.

MR. BORGIA: What I'm requesting is an area variance for the rear yard for the deck, the pool and the shed. The requirement for the pool and the shed is ten feet. I think the pool is, on one side is the pool and the shed are in the far rear corner of the yard in the same corner of the yard I think the pool is 7 foot 10 inches on the one side, 7 feet on another. The requisite requirement is 10. The shed's two feet on one side and one foot on the other right in the corner of the yard. The pool and the shed, I'll talk about the deck later, the pool and the shed have been up since approximately 1983, '84, in that timeframe. They were put up approximately the same time. We were aware at the time we, it's an above-ground pool, we were aware at the time we put the pool up that we were not required to obtain a permit. We knew that because it's an above-ground pool, what we didn't know at time is that there was a requirement for a ten foot area variance for both the shed and the pool. We have sold our house right now, we have a buyer, we're in the process of selling, closing, hopefully by the end of March because of the distance between the shed and the pool, it would be virtually impractical, even if we wanted to, not impossible, but impractical to move the shed at the present time because there's only a couple of foot clearance between the pool and the shed and the shed is 8 x 8 and it would be very difficult to move the shed with the pool where it is because there's not enough clearance. There's a 6 foot fence around the yard presently which is right behind the shed. As I said, they have been there since 1983, we didn't know, so it wasn't a willful violation prior to putting the pool

up. We did inquire with each of our neighbors on, the two closest neighbors in the rear and the side just to make sure as a courtesy, especially for the pool because it was an above-ground pool, but like I said, we had no idea that it required the ten foot clearance. If we were to take the pool down, which is always an option prior to selling, we'd have a problem not potentially but almost definitely with the current buyers of our house because when we sold the house, we didn't know we were going to have this problem relative to the deck, the deck is 33 feet from my neighbors, from the rear property line, the requirement is 40, I believe is 40 foot requirement. When we moved into the house, there was a deck there, although the Town's records I'm told indicate that there wasn't a deck, but believe me, there was, and we have pictures, there was a deck up, I can't believe they let us move into a second story house without a deck, talk about safety violations. But there was a deck up, it had no porch, it was approximately the same size as the deck now a little bit smaller with no steps but very unsafe. I propped it up as long as I could, changed the rotted boards, but we had to replace the deck. Since it was a replacement deck, I had no idea at the time we replaced the deck that we would need a permit, however, during the construction of the deck, we were told that we needed a permit, the deck was down, we came up to the town to request a permit, the permit was not granted because they said that the deck had to be 40 feet from the rear yard. My argument was the deck is already down and the previous deck wasn't 40 feet from the rear yard and given the circumstances, I had to put the deck up because we had no deck. Town said no they wouldn't grant the permit so I authorized the deck to be put up. I wrote a letter to the Town requesting reconsideration of that previous request and they never responded to that, so we put the deck up again, not a willful violation and certainly there's no safety infringements with the deck being 33 feet as opposed to 40 feet, and the same with the shed and with the pool. So, I request that the variance be granted for the area variance for the three items.

MR. KANE: Over the years, Mr. Borgia, any complaints?

MR. TORLEY: Is there anyone in the audience who wishes to address this matter? Let the record show there's none.

MR. BARNHART: I just want to make something for the record here that 70 notices went out to adjacent property owners on February 9 in conformance with the assessor's list.

MR. KANE: Any complaints informal or formal about the pool or the deck over the years or the shed itself?

MR. BORGIA: Never, no.

MR. KANE: Create any ponding of water in the yard, any water hazards whatsoever?

MR. BORGIA: No, sir.

MR. KANE: If the deck wasn't there, it would be a safety hazard coming out the sliding door?

MR. BORGIA: Yeah, it's about 7 feet up.

MR. KANE: The deck and the shed pool basically conform to what the neighborhood looks like, everybody else has similar type decks and sheds in the yard?

MR. BORGIA: Yeah, approximately the same.

MR. KRIEGER: It's a one-family house in a neighborhood of one family homes, right?

MR. BORGIA: Yes, that's right.

MR. TORLEY: And you have not built the shed or pool over any easements or sewer lines?

MR. BORGIA: No.

MR. KRIEGER: Or the shed?

MR. BORGIA: Or the shed.

MR. KRIEGER: Not over well or septic system?

MR. BORGIA: No.

MR. TORLEY: Are there any other questions?

MR. KRIEGER: You located the shed and the deck, the deck and the pool in the corner of the yard, why?

MR. BORGIA: Well, because the yard's not that large and when you put, you know, obviously not aware of the requirement for it to be ten feet, you put it as far out of the way as you can, still have some clearance to cut the grass around it, that was my concern since I put it not knowing the requirement for the ten feet, my only concern was that my neighbor was, neighbors on either side would be concerned with the above-ground pool that wasn't there previously.

MR. KANE: So it was about the safest place you could put it?

MR. BORGIA: Yes, yes, had I known of the ten foot requirement, it would have been just as easy to move it a couple feet when we installed it.

MR. TORLEY: At the present time, it would be an economic hardship to remove these or move these?

MR. BORGIA: Yes, absolutely.

MR. KANE: Mr. Chairman, I move that we approve the application by Mr. Frank Borgia for his requested variances at 508 Balmoral Circle.

MR. MC DONALD: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: January 5, 2000

APPLICANT: Frank Borgia
508 Balmoral Circle
New Windsor, New York 12553

FILE COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing 4' above ground pool

LOCATED AT: 508 Balmoral Circle

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 25-5-34

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing 4' above ground pool does not meet minimum required rear and side yard set back.


BUILDING INSPECTOR

PERMITTED 10'

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4

USE: 48-21-G-(1)

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

7'-10"

2'-2"

REQD. TOTAL SIDE YD:..

REQ'D REAR YD:

7'

3'

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

\$50 POOL

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2-2000

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Frank & Jacqueline Borgia

Address 508 Balmoral Circle Phone 562-4307

Mailing Address New Windsor, NY 12553

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the North side of Balmoral Circle
(N, S, E or W)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____
3. Tax Map Description: Section 25 Block 5 Lot 34
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy Residence b. Intended use and occupancy Residence
5. Nature of work (check if applicable) New Bldg ☐ Addition ☒ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒
6. Is this a corner lot? No EXISTING POOL
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas ☒ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost \$ 3000 Fee _____

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

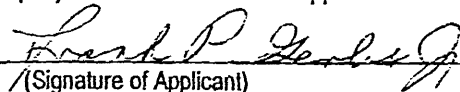
Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)


(Address of Applicant)

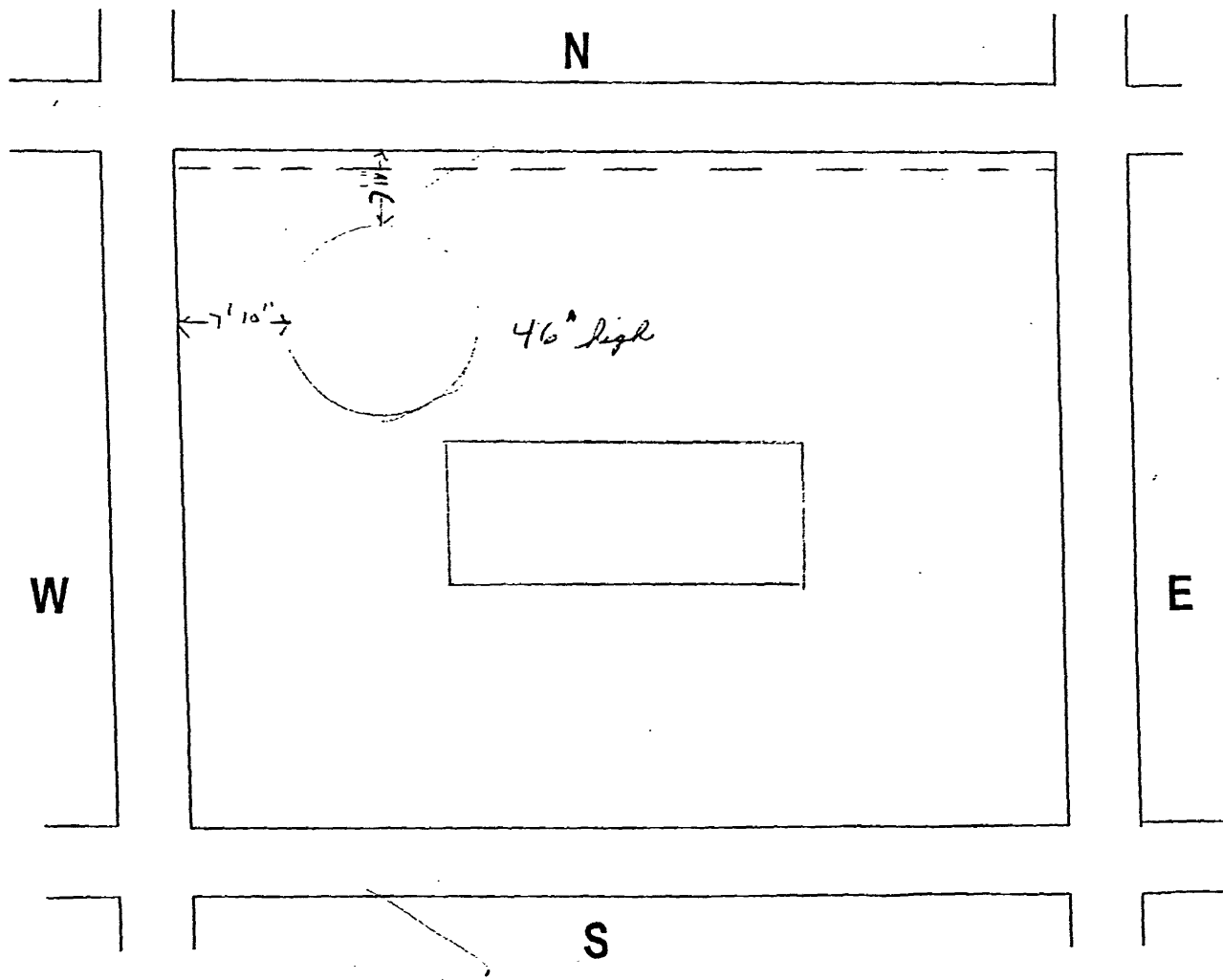
(Owner's Signature)

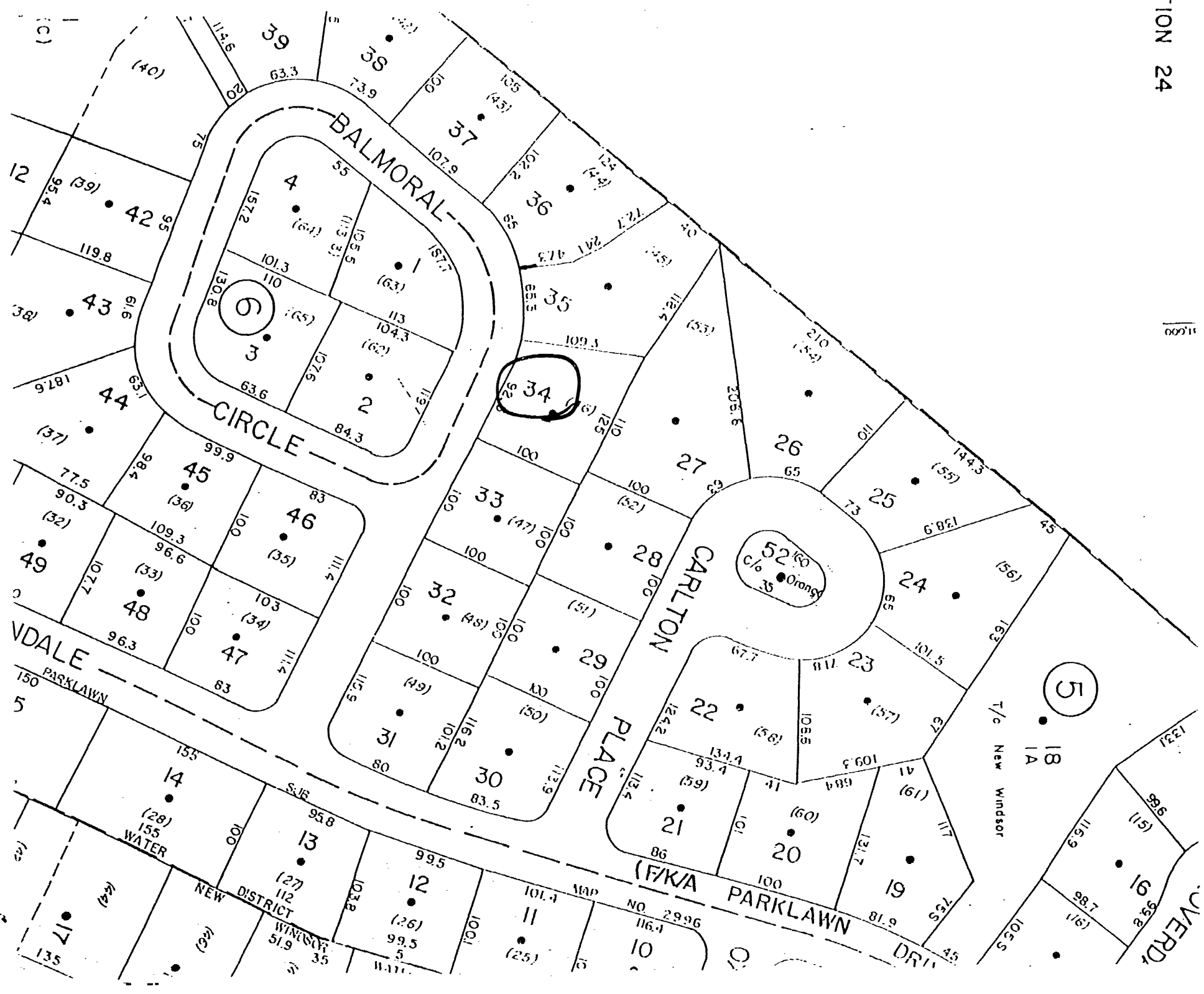
(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: January 5, 2000

APPLICANT: Frank Borgia
508 Balmoral Circle
New Windsor, New York 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing 12x12 Rear deck

LOCATED AT: 508 Balmoral Circle

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 25-5-34

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1.Existing rear deck does not meet minimum Rear yard set back.


BUILDING INSPECTOR

PERMITTED 40'

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 8-G

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

33'

7'

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

DECK

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be re-inspected after correction.

RECEIVED

JAN 03 2000

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 32000

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises FRANK & JACQUELINE BORGIA

Address 508 BALMORAL CIRCLE Phone 562 4302

Mailing Address NEW WINDSOR NY 12553

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the NORTH side of BALMORAL CIRCLE
(N,S,E, or W)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N X
3. Tax Map Description: Section 25 Block 5 Lot 34
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy RESIDENCE b. Intended use and occupancy RESIDENCE
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☒ Removal ☐ Demolition ☐ Other ☒ REAR DECK REPLACEMENT 12x12
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
- Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
- Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost \$3000 Fee _____

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Frank Lisi
(Signature of Applicant)

(Address of Applicant)

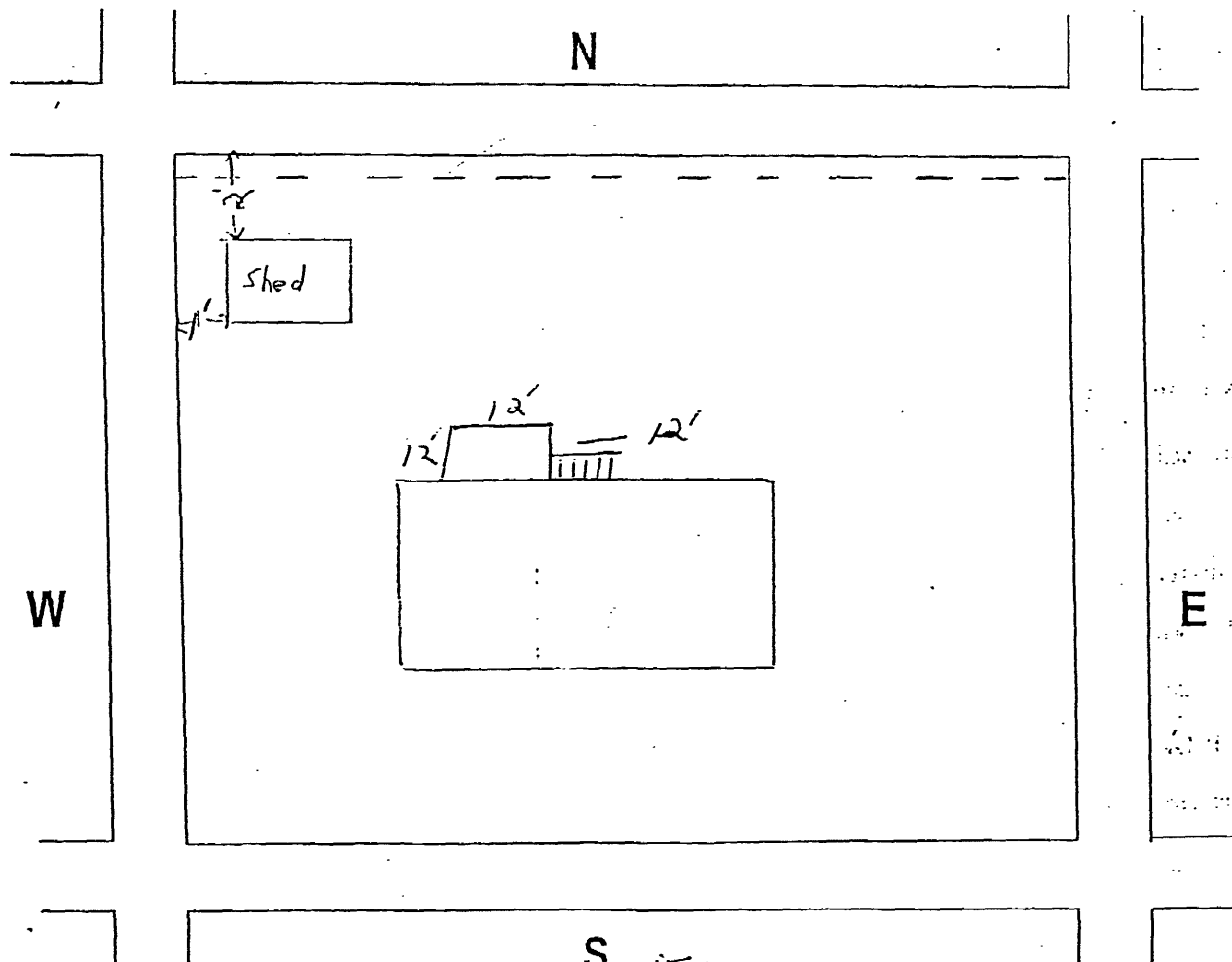
(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

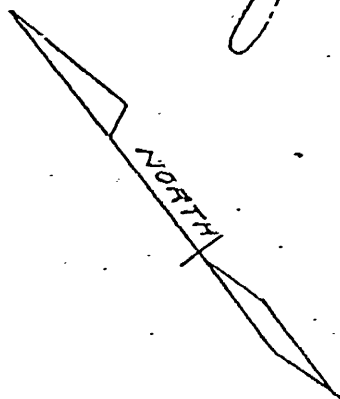


I hereby certify to the Provident Savings and Loan Association of Haverstraw, New York, and the American Title Insurance Company that the house is located entirely within the bounds of the lot as shown.

By

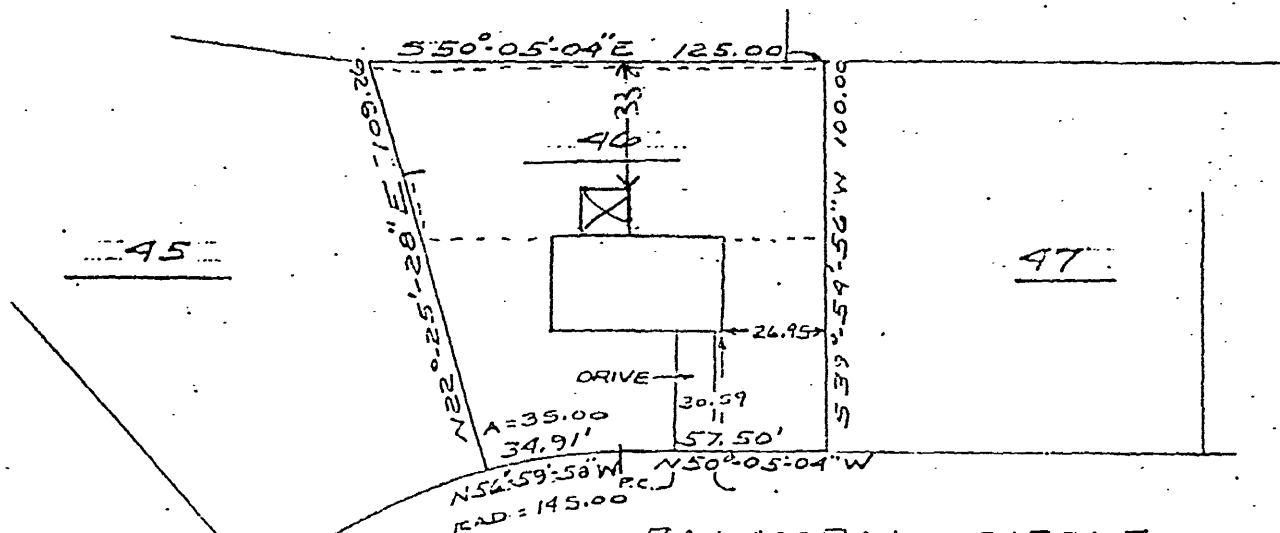
Kenneth S. Carmichael PLS

N.Y.S. License No. 047402



53

52



BALMORAL CIRCLE

BALMORAL CIRCLE

SURVEY FOR
LOT 46
PARKLAWN

TOWN OF NEW WINDSOR

COUNTY OF ORANGE

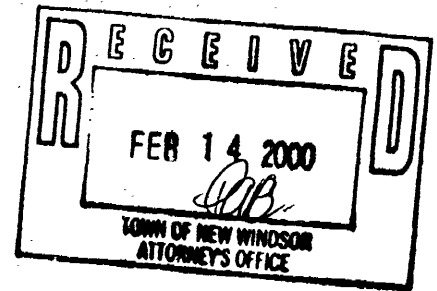
SCALE - 1" = 50'

MARCH 27 1975

REVISED AUGUST 25, 1975

EUSTANCE E. HICOKWITZ, P.E.
851 525, CIRCLEVILLE, N.Y. 15119

**PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**



PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 2.

Request of Frank + Jacqueline Borgia

for a VARIANCE of the Zoning Local Law to Permit:

- 1) 4' above ground pool to remain less than req'd 10' from property line
 - 2) Rear deck to remain 33' from rear property line
 - 3) Existing 8' x 8' shed to remain less than 10' from property lines.
- being a VARIANCE of Section 48-12 Table of Use, Bulk Regs - Cols. Fr 6.

for property situated as follows:

508 Balmoral Circle, New Windsor, N.Y.

known and designated as tax map Section 25, Blk. 5 Lot 34

PUBLIC HEARING will take place on the 28th day of February, 2000 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent.
Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: January 5, 2000

APPLICANT: Frank Borgia
508 Balmoral Circle
New Windsor, New York 12553

~~FILE~~ COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing 8'x8' Shed

LOCATED AT: 508 Balmoral Circle

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 25-5-34

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing 8x8 shed does not meet minimum side and rear yard set backs.


BUILDING INSPECTOR

PERMITTED 10'

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 48-14-A-(1)-(B)

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D. ^{Rear} ~~FRONT~~ YD:

1'

9'

REQ'D. SIDE YD:

2'

8'

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

#50 SHED

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 1-2000

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Frank & Jacqueline Bongie

Address 508 Belmont Circle Phone 562-4307

Mailing Address New Windsor, N.Y. 12553

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the North side of Palmoral Circle
(N,S,E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 25 Block 5 Lot 34

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Residence b. Intended use and occupancy residence

5. Nature of work (check if applicable) New Bldg ☐ Addition ☒ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒

6. Is this a corner lot? No

EXISTING
SHED
8'4" x 8'1"

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas ☒ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost \$1000 Fee _____

/ /
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances


Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
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Bldg Insp Examined _____
Fire Insp Examined _____
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Disapproved _____
Permit No. _____

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(Signature of Applicant)

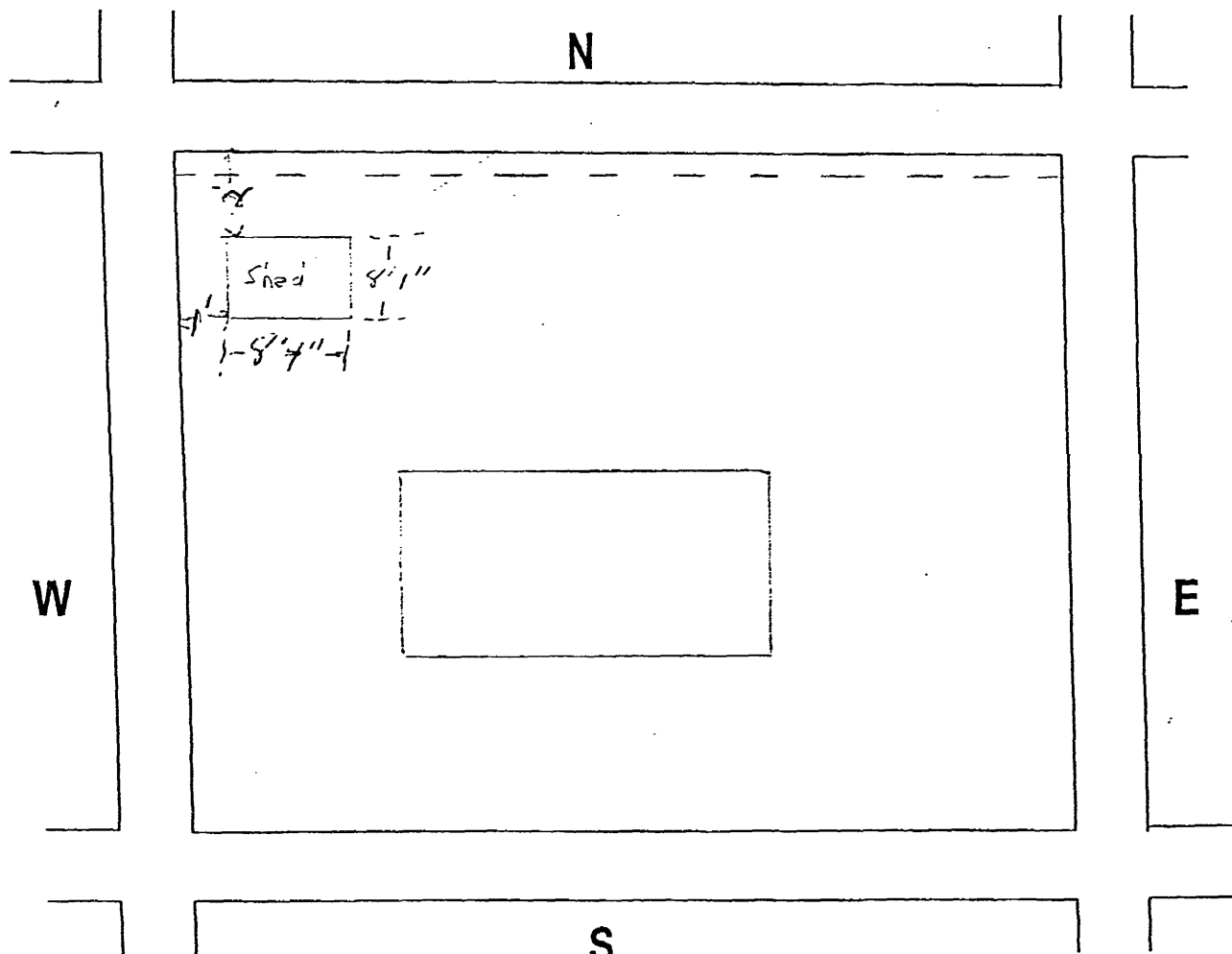

(Address of Applicant)

(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

Frank & Jackie Borgis
Applicant.

00-02.

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on 2/9/00, I compared the 70 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
___ day of ___, 19 __.

Notary Public

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(914) 563-4611

RECEIPT
#70-2000

02/04/2000

Borgia, Jacqueline

Received \$ 50.00 for Zoning Board Fees, on 02/04/2000. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Dorothy H. Hansen
Town Clerk

ZBA # 2000-02

CR # 1080

This Indenture,

Made the 14th day of March, nineteen hundred and seventy-nine.

*TITAX
\$22.00*
Between MANUEL RUBIANO and PATRICIA RUBIANO, husband and wife,
both residing at 508 Balmoral Circle, Town of New Windsor, County of
Orange, State of New York,

parties of the first part, and

FRANK J. BORGIA and JACQUELINE R. BORGIA, husband and wife, both
residing at 1117 Blair Avenue, Scranton, Pennsylvania,

parties of the second part:

Witnesseth, that the parties of the first part, in consideration of
TEN AND 0/100-----\$10.00)----- Dollars,
lawful money of the United States,

do hereby grant and release unto the parties of the second part,
their heirs of the second part,
and assigns forever,

All that certain plot, piece or parcel of land, with the buildings
and improvements thereon erected, situate, lying and being in the
Town of New Windsor, County of Orange, State of New York, being more
particularly described as follows:

BEING known and designated as Lot No. 46 on a certain map entitled
Parklawn, made by Eustance & Horowitz, P.E. & L.S., dated October 11,
1972, and last revised March 21, 1973, and filed in the Orange County
Clerk's office on May 22, 1973, as filed Map No. 2996, Pocket 15,
Folder A.

~~Reserving to the party of the first part all rights, title and interest in and to any streets and roads abutting the above-described premises, but granting an easement of ingress and egress until the same is dedicated as a public road or street.~~

BEING the same premises described in a deed dated September 10, 1975, from Parkdale Estates, Inc. to Manuel A. Rubiano and Patricia A. Rubiano; which deed was thereafter recorded in the office of the Orange County Clerk's Office on September 16, 1975 in Liber 2017 of Deeds at page 565.

This conveyance is made and accepted subject to an indebtedness secured by a mortgage upon said premises held by Provident Savings and Loan Association, Haverstraw, New York, which said mortgage was recorded in the Orange County Clerk's Office on April 11, 1975, in Liber 1671 of Mortgages page 1138, and upon which there remains unpaid the aggregate principal sum of \$24,000.00 , with interest from March 14, 1979 at 9½% rate of interest, together with escrow funds, which said mortgage debt the parties of the second part hereby assume and agree to pay as part of the purchase price of the above described premises and the parties of the second part hereby execute and acknowledge this instrument for the purpose of complying with the provisions of Section 5.705 of the General Obligation Law.

Together with the appurtenances and all the estate and rights of the parties of the first part in and to the said premises.

To have and to hold the premises herein granted unto the parties of the second part, their heirs and assigns forever, as tenants by the entirety.

And the said parties of the first part covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever

And The grantors, in compliance with Section 13 of the Lien Law, covenant as follows: That they will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that they will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the parties of the first part have hereunto set their hand and seals the day and year first above written

In the Presence of:

Manuel A. Rubiano
Manuel A. Rubiano

Patricia A. Rubiano
Patricia A. Rubiano

Frank J. Borgia
Frank J. Borgia

Jacqueline R. Borgia
Jacqueline R. Borgia

State of New York, County of ORANGE

ss.:

On the 14th day of March, nineteen hundred and seventy-nine before me personally came MANUEL A. RUBIANO and PATRICIA A. RUBIANO, Frank J. Borgia and Jacqueline R. Borgia, to me known to be the individuals described in, and who executed, the foregoing instrument, and acknowledged that they executed the same.

Daniel J. Bloom
Notary Public

LIBER 2126 PAGE 19

DANIEL J. BLOOM
Notary Public, State of New York
Residing in Orange County
Commission Expires March 31, 1979 and 81

21-2673

Deed.

MANUEL A. RUBIANO

and

PATRICIA A. RUBIANO

TO

FRANK J. BORGIA

and

JACQUELINE R. BORGIA

Dated, *March 14* 19 79

Tax Designation: Section 25 Block
5 Lot 34 - Town of New Windsor

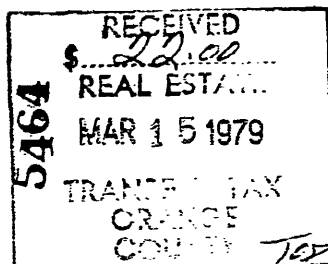
R. & R.
FREEMAN & Demcio
Attorneys at Law
26 New Main St.
Haverstraw, N.Y.

~~DANIEL J. BLOOM
PETER E. BLOOM
ATTORNEYS AT LAW~~

ROUTE 94
POST OFFICE BOX 477
VALE GATE, NEW YORK 12584

OFFICE 914 561-6920
D. J. B. 914 534-7005
P. E. B. 914 561-5005

Unrec. Title



Orange County Clerk's Office, S.S.

Recorded on the *15th* day
of *March* 19 *79* at *12:29*
P.M. in Liber *2126*
Deeds at page *78*
and Examined.

Jack A. Schlosser
Clerk

LIBER 2126 PAGE 20



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

February 1, 2000

Frank & Jackie Borgia
508 Balmoral Circle
New Windsor, NY 12553

(70)

Re: 25-5-34

Dear Mr. & Mrs. Borgia:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$85.00, minus your deposit of \$25.00

Please remit the balance of \$60.00 to the Town Clerk's office.

Sincerely,

L. Cook / (H)

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Barnhart, ZBA

McGrath Joseph & Elsie
230 Oak Street
New Windsor, NY 12553

Christie Robert & Christina
227 Garden Street
New Windsor, NY 12553

Spreer Robert & Eleanor
54 Birchwood Drive
New Windsor, NY 12553

Manzo Lisa M. & Dematteo Joseph P.
237 Spruce Street
New Windsor, NY 12553

Chiarella Joseph & Gloria
229 Garden Street
New Windsor, NY 12553

Souppa Joan
52 Birchwood Drive
New Windsor, NY 12553

McDonough Charles J.
233 Oak Street
New Windsor, NY 12553

Wilkinson George & Antoinette
231 Garden Street
New Windsor, NY 12553

Callahan Edward F. & Patricia M.
50 Birchwood Drive
New Windsor, NY 12553

Ruggiero Isadore C. & Concetta
235 Oak Street
New Windsor, NY 12553

Farrell Matthew & Marta C.
233 Garden Street
New Windsor, NY 12553

Chew Kenneth & Bernadette
48 Birchwood Drive
New Windsor, NY 12553

Bynum Melvin & Eva
237 Oak Street
New Windsor, NY 12553

O'Neil Louis E. & Hamilton Jacalyn L.
238 Spruce Street
New Windsor, NY 12553

Parker Clifton L.
46 Birchwood Drive
New Windsor, NY 12553

Laverty Robert L. & Ruth W.
239 Spruce Street
New Windsor, NY 12553

Murphy William
McGuinness Kathleen
240 Spruce Street
New Windsor, NY 12553

Romaine Charlene
44 Birchwood Drive
New Windsor, NY 12553

Mullin Dennis & Ann
241 Spruce Street
New Windsor, NY 12553

Case Richard & Angela
224 Garden Street
New Windsor, NY 12553

Brodow Edward J. & Catherine H.
40 Birchwood Drive
New Windsor, NY 12553

Chewens Robert F. & Luciana
242 Spruce Street
New Windsor, NY 12553

Krutchick Esther
18 Kings Gate Road
Suffern, NY 10901

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

Lang Patricia A.
223 Garden Street
New Windsor, NY 12553

Zeger Emiel & Serena
228 Garden Street
New Windsor, NY 12553

Young Levio & Rose
116 Glendale Drive
New Windsor, NY 12553

Antonelli Elizabeth C.
6 Garden Street
New Windsor, NY 12553

Toffler Harold & Lillian P.
81 Harth Drive
New Windsor, NY 12553

Puccio Frank & Diann
118 Glendale Drive
New Windsor, NY 12553

Brown Howard & Estelle
120 Glendale Drive
New Windsor, NY 12553

Naclerio Christine L.
408 Carlton Circle
New Windsor, NY 12553

Gray Val S. & Marcie B.
510 Balmoral Circle
New Windsor, NY 12553

Costello Stephen & Katherine
122 Glendale Drive
New Windsor, NY 12553

Kreeger William
410 Carlton Circle
New Windsor, NY 12553

Richardson George D.
512 Balmoral Circle
New Windsor, NY 12553

Mathews Joseph T. & Arlene B.
124 Glendale Drive
New Windsor, NY 12553

Hussey Joseph M. & Mary E.
411 Carlton Place
New Windsor, NY 12553

Kent Tricia
13 Weather Oak Hill
New Windsor, NY 12553

Hamel Richard & Donna
126 Glendale Drive
New Windsor, NY 12553

Clinton Sally
409 Carlton Circle
New Windsor, NY 12553

Lounsbury Pamela
Willis Kathleen
516 Balmoral Circle
New Windsor, NY 12553

Kolpan Mitchell
128 Glendale Drive
New Windsor, NY 12553

Lech John J. & Eleanor R.
407 Carlton Circle
New Windsor, NY 12553

Lopez Louis A. & Albertina
518 Balmoral Circle
New Windsor, NY 12553

Ahmed Mahmood & Meher
113 Glendale Drive
New Windsor, NY 12553

Sollas Richard & Sandra
405 Carlton Circle
New Windsor, NY 12553

Sarich Emil & Leda
522 Balmoral Circle
New Windsor, NY 12553

Trapp Glenn G. & Diane L.
115 Glendale Drive
New Windsor, NY 12553

Wilson Lennie Jr.
403 Carlton Circle
New Windsor, NY 12553

Lewis Orsen R.
524 Balmoral Circle
New Windsor, NY 12553

Community Church of the Nazarene of
New Windsor
59 Blooming Grove Turnpike
New Windsor, NY 12553

Elias Anthony & Carol
502 Balmoral Circle
New Windsor, NY 12553

Valle Victor
526 Balmoral Circle
New Windsor, NY 12553

Silver Robert & Ronnie
404 Carlton Circle
New Windsor, NY 12553

O'Connor John J. & Randee
504 Balmoral Circle
New Windsor, NY 12553

Bullock Darren J. & Karen
528 Balmoral Circle
New Windsor, NY 12553

Coopersmith Gary & Karen
406 Carlton Circle
New Windsor, NY 12553

Valentin Sergio
506 Balmoral Circle
New Windsor, NY 12553

Thomas Byron U. & Angela D.
530 Balmoral Circle
New Windsor, NY 12553

Shewring Elizabeth
Haines Louis W.
532 Balmoral Circle
New Windsor, NY 12553

Sabino Arnold & JoEllen
501 Balmoral Circle
New Windsor, NY 12553

Aldebot Jose & Carmen
125 Glendale Drive
New Windsor, NY 12553

Vita Antonino & Patricia
127 Glendale Drive
New Windsor, NY 12553

Ciaschi George & Kimberly
129 Glendale Drive
New Windsor, NY 12553

County of Orange
255-275 Main Street
Goshen, NY 10924

Soricelli Dennis & Patricia
511 Balmoral Circle
New Windsor, NY 12553

Doerr Robert Paul & Ellen
507 Balmoral Circle
New Windsor, NY 12553

Soricelli Frank & Linda
525 Balmoral Circle
New Windsor, NY 12553

Russak Tina F.
517 Balmoral Circle
New Windsor, NY 12553

Date 7/26/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO DR.

Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550

ATB

CLAIMED

ALLOWED

#/00		Zoning Board Mtg	75	00		
		Misc - 2				
		Moroney - 3				
		Borgard - 4 18.00.				
		Bachhofen - 5				
		Petro Metals - 5				
		Omat - 6				
		Llanusa - 1				
		Maurice - 11	166	50		
		37				
			241	50		

BORGIA, FRANK

MR. NUGENT: Request for (1) 7 ft. rear yard variance for existing deck; (2) 2 ft. 2 in. side yard and 3 ft. rear yard variances for pool; and (3) 9 ft. front yard and 8 ft. side yard variance for existing shed at 508 Balmoral Circle in R-4 zone.

Mr. Frank Borgia appeared before the board for this proposal.

MR. NUGENT: Okay, tell the board what you want to do and why.

MR. BORGIA: The reason we need a variance is because we plan to move and the shed that we put up, the deck and the pool are, as he said, not the required distances from the adjacent property on each side. And when we put the pool and the shed up, in the 1986-87 timeframe, we had no idea that there was any requirement. We were told that there was no variance, there was no permit required to put an above-ground pool or a shed which are, was a prefabricated shed. When we put the deck up around the same time all we did is replaced the existing deck which was structurally unsound when we moved in. We moved in in '79 and I for the first four or five years, I replaced some of the beams that were holding it up and it had no porch, but we did not request a permit at the time, we were putting it up, the inspector was in the neighborhood and in fact, he was next door to us, our neighbors were moving in and he came over and indicated that we needed a permit for the deck, even though it was replacement deck and it was the original deck, was not 40 feet from the property line. That's the requirement, 40 feet, we now understand and the existing deck is not 40 feet from the property line either, neither one of them were. I just learned today we applied for the permit at the time and the permit was denied saying we needed a variance for the porch. The reason we needed the variance for the porch was because it wasn't 40 feet from the property line. I applied for the permit, we didn't get the permit because of the distance and of course, we're in the process of building the deck so we completed the deck. I did write a letter requesting

reconsideration at the time, did not get a response. The reason I wrote the letter request for reconsideration for the reasons I just stated original deck when I moved was structurally unsound and I was allowed to move in with a structurally unsound deck that wasn't 40 feet from the property line and did not have steps, I replaced it with a better deck and I didn't think the variance was required. I did not get a response to that letter. I learned just recently I had a contractor put the deck, I learned recently talking to the contractor who built the deck in 1987, I believe 1987 to see if he recalled anything about the deck he said there was an inspector there and the inspector did inspect the deck, I don't remember this, he does and I don't know if that has any bearing on this hearing, but it's a point of interest.

MR. NUGENT: Let me ask you a question. The shed that's shown here on the drawing, this is pretty accurate where it is on the property?

MR. BORGIA: Yes.

MR. NUGENT: Is there any reason the shed can't be moved?

MR. BORGIA: Yes, there's a pool right here, which is very close to the shed, cannot move that without moving the pool, can't even get a, the only way to really move that would be a fork lift and you couldn't get the forklift in to move it or any other kind of machine, just not enough room.

MR. TORLEY: Mike, how is he getting a 9 foot front yard variance, the shed's actually in the front yard?

MR. TORLEY: Mine says 9 foot front yard or is it side yard variance, is it a typo? Your shed's in the back of the house?

MR. BORGIA: Yes.

MR. TORLEY: I assume it means back yard.

MR. NUGENT: The front should be rear. Okay, let me

suggest--

MR. BABCOCK: Yeah, that's a rear yard.

MR. NUGENT: When you come to the public hearing, bring some pictures.

MS. BARNHART: We have on the agenda we had one front and one side yard, but it's rear yard for the shed, Michael?

MR. BABCOCK: Yes.

MS. BARNHART: You want to change this one here?

MR. BABCOCK: That's what it says, it says rear yard side and rear yard, oh, I see what it is.

MS. BARNHART: It says 9 foot front yard so you want to change that?

MR. BABCOCK: No, if you, I've underlined it, it says rear yard on it.

MS. BARNHART: Okay.

MR. NUGENT: Are there any further questions by the board? Can I have a motion?

MR. REIS: I make a motion that we set up Mr. Borgia for a public hearing.

MR. TORLEY: Second it.

ROLL CALL

MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MS. BARNHART: Mr. Borgia, Mr. Gerbis, did I send you applications in the mail or did somebody pick them up?

MR. BORGIA: My wife did.

January 24, 2000

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MS. BARNHART: You just need the sheet.

MR. KRIEGER: If you take that, those are the criteria on which the Zoning Board of Appeals must decide according to the state. If you would address yourself to those criteria at a public hearing, that would be helpful.

MR. BORGIA: Thank you.

ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. JULY AND AUGUST: ONE MEETING PER MONTH ONLY.

PROCEDURE FOR A PUBLIC HEARING

Preparations for a public hearing are relatively simple IF YOU READ AND FOLLOW THIS PROCEDURE:

* **Step 1 - Order a variance list from the Assessor's Office. A deposit of \$25.00 payable to TNW must be paid in advance for this list. This list is necessary for the mailing of notices to all property owners within 500 feet of your property. The total fee for this list is based on the number of names and addresses on your list.**

Step 2- While awaiting the preparation of the list, fill out the Application and Public Notice of Hearing (leave date blank) which you received at the preliminary meeting before ZBA.

Step 3 - When the list is completed, the Assessor's office will call you. Using the list, address an envelope for each, add your return address and a first-class stamp and hold. These will be used to forward the hearing notices to all of the adjacent property owners.

Step 4 - Call Pat Barnhart at 563-4630 and make an appointment to come in with your completed paperwork. At this time also bring with you a copy of your deed or contract of sale, title report (if you have one), photos, completed applications, public hearing notice, addressed/stamped envelopes, and fees payable to the Town of New Windsor. A HEARING DATE WILL NOT BE SCHEDULED UNLESS ALL OF THE PAPERWORK IS COMPLETED AND RETURNED WITH THE FEES TO THE SECRETARY.

Step 5 - The Public Notice of Hearing must be published in the local paper one time, ten days prior to the hearing date. Secretary will make arrangements for the publication of the notice. Applicant is responsible for the payment of publication. Secretary will fill in the date of public hearing on notice when all paperwork is received.

Step 6 - Once the Secretary has had an opportunity to review the hearing notice, she will add the hearing date and you may then insert the completed public hearing notice in each of the prepared envelopes, seal each envelope and bring back to Pat in the order in which they appear on the list. She will then compare the envelopes with the list, if it checks out, she will prepare an Affidavit of Mailing and mail the envelopes out. Notices must be postmarked at least 10 days before the hearing date.

Step 7 - Prepare two separate checks both payable to the Town of New Windsor, one in the amount of \$50.00 (residential) or \$150.00 (commercial) which is the variance application fee, and a second check in the sum of \$300.00 (residential) or \$500.00 (commercial). The second sum will be held in escrow and after computation you may get a portion of this fee returned to you. Escrow fee includes stenographic services and attorney's fee for the handling of your file.

APPLICANT'S CHECK LIST:

- 1. Applications (3 copies);**
- 2. Public notice of hearing;**
- 3. Envelopes with names/addresses of adjacent property owners, stamped and ready for notice to be inserted;**
- 4. Fees;**
- 5. Copy of deed or contract of sale, title report, photographs of site.**

IMPORTANT NOTE: If your application is approved by the ZBA, you have one (1) year from the date of approval within which to pursue your building plans. A variance becomes null and void after this period. If you are not planning to build within this time frame, you must apply to the ZBA before this date expires to seek an extension of this variance.

**PATRICIA A. BARNHART, SECRETARY
ZONING BOARD OF APPEALS
Town Hall - 555 Union Avenue
New Windsor, N. Y. 12553
(914)563-4630
(914)563-4693 FAX**

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

00-02

Date: 02/28/00

I. Applicant Information:

- (a) Frank J. Borgie 508 Balmoral Circle 562-4307
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) 508 Balmoral Circle 25-5-34 92 X 109
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? 1979
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: Existing Shed (1' x 8')
- _____

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No ✓.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. F, G.

Requirements	Proposed or Available			Variance Request		
Min. Lot Area _____	_____			_____		
Min. Lot Width _____	_____			_____		
Reqd. Front Yd. _____	_____			_____		
Reqd. Side Yd. _____	<u>Pool</u> <u>7' 10"</u>	<u>Deck</u> <u>2'</u>	<u>Shed</u> <u>2'</u>	<u>Pool</u> <u>2' 2"</u>	<u>Deck</u> <u>8'</u>	<u>Shed</u> <u>8'</u>
Reqd. Rear Yd. _____	<u>7'</u>	<u>33'</u>	<u>1'</u>	<u>3'</u>	<u>7'</u>	<u>9'</u>
Reqd. Street Frontage* _____	_____			_____		
Max. Bldg. Hgt. _____	_____			_____		
Min. Floor Area* _____	_____			_____		
Dev. Coverage* _____ %	_____ %			_____ %		
Floor Area Ratio** _____	_____			_____		
Parking Area _____	_____			_____		

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

See the Attachment hereto

(You may attach additional paperwork if more space is needed)

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

Pool: Request a 2' 2" side variance; and a 3' rear yard variance

Shed: Request an 8' side yard variance; and a 5' rear yard variance

Deck: Request a 7' rear yard variance

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ ~~N/A~~ Copy of contract of sale, lease or franchise agreement.
- ☒ ~~N/A~~ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ ~~N/A~~ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 02/04/00.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Jacqueline Borja
(Applicant)

Sworn to before me this

4th day of February, 19 2000
Patricia A. Barnhart

PATRICIA A. BARNHART
Notary Public, State of New York
No. 018A4904434
Qualified in Orange County
Commission Expires August 31, 19 2001

XI. ZBA Action:

(a) Public Hearing date: _____.

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC
HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF
APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Attachment to Application for Variance

Item V (b)

The pool and the shed were erected in the 1983-84 time frame. At the time, the zoning board informed me that a permit was not required for an above the ground pool. Neither was a permit required for the pre-fabricated shed. I was not informed by the zoning board, nor was I aware at the time, that there was a 10-foot property clearance requirement for both the pool and the shed. Had I known, I would have had no reason not to comply at the time of erection. Presently, however, the shed cannot be moved without dismantling the pool due to the minimal clearance between the shed and the pool, and between the pool and the fence on either side.

Dismantling of the pool is not feasible, not only due to cost, but due to the fact that I already have a buyer for my house, and the pool, in its present location, is desired by the buyer. Closing on the house is contractually scheduled to occur prior to April 1st, and dismantling and re-erection cannot be done prior to that time in any event, due to weather conditions. Not receiving this variance will jeopardize, and most likely will cause the buyer of my house to back out of our agreement. This would have a significant financial impact on him, upon my wife and I and upon the seller of the house I am in the process of purchasing, since we all have incurred significant costs toward the buying/selling of these houses.

Prior to putting in the pool and the shed, I did seek, and I received, the concurrence of both my rear neighbor, and my side neighbor closest to the pool and the shed. I did this to be certain that neither neighbor considered these additions to my yard aesthetically objectionable, or a detriment to them in any other way. To this day, neither neighbor objects to these structures. Given that the pool and the shed have been in their present locations since 1983-84; are not objectionable to the closest neighbors; and are not readily visible to any of my other neighbors due to trees and shrubs in the summer months, and also due to the distance from other than the two closest neighbors, I do not believe that an adverse effect or impact on the physical or environmental conditions of the neighborhood has resulted.

The deck, which was erected in 1987, is not the required forty feet from the rear property line. However, when I moved into this house, the existing deck was structurally unsound, and had no steps. I therefore, had no choice, for safety reasons, to replace this deck. Since it was a replacement deck, and not an addition to the house, I was unaware, prior to commencement of construction, that a variance (or a permit) was required. When I learned during the construction that I was required to obtain a permit, I applied for one but was denied on the basis that the deck was not forty feet from the rear property line. Given that construction was underway and that it was not feasible (or safe) to stop working, I appealed this ruling. However, I received no response to my appeal request. I now would have to tear this deck down and construct a new, much smaller deck, to be in

compliance with the forty-foot ordinance. It not only would be costly to rebuild the deck, but it would have a major adverse effect upon the selling of my house, and upon my purchasing the house I already have chosen; and given the present stages of closing for each, both I and the buyer of my house would suffer significant financial burdens.

In conclusion, I believe that the ZBA should grant my application for an area variance for the pool, shed and deck for the following reasons:

- 1) No undesirable change will be produced in the character of the neighborhood, and no detriment to nearby properties will be created.
- 2) It is not feasible, especially given the fact that I am in the process of selling my present home, and buying another, to relocate these structures. To do so would result in significant financial harm to several parties.
- 2) The requested variance is not substantial, and will not create a health, or safety and welfare detriment to the neighborhood.
- 4) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood.
- 5) I did not purposely create the difficulties that are now the subject of the requested variance

Frank J. Borgia